

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

**DEFENDANT DRYTEC LTD.'S RESPONSE TO PLAINTIFF ROQUETTE FRERES'
MOTION FOR LEAVE TO FILE A SUR-REPLY BRIEF**

Defendant Drytec Ltd. does not oppose plaintiff's motion to file a sur-reply. Drytec Ltd. does take issue with plaintiff mischaracterizing Drytec Ltd.'s conduct regarding the parties' limited jurisdictional discovery agreement and responds accordingly. First, Drytec Ltd. relied on the Commercial Letter of Agreement (D.I 30, Ex. A) only after plaintiff first raised arguments concerning Drytec Contract Processing Ltd. during plaintiff's deposition of Mr. Kennet and throughout plaintiff's answering papers. Second, plaintiff misconstrues statements made by Drytec Ltd.'s counsel. At no point did Drytec Ltd.'s counsel state that it would not rely on a declaration filed by an SPI Pharma, Inc. employee. To the contrary, Drytec Ltd.'s attorney distinctly said, "[t]hat decision, however, will ultimately be made after reviewing your opposition papers." (D.I. 34, Ex. C). Drytec Ltd. has acted in accordance with the parties' jurisdictional discovery agreement and finds plaintiff's accusations to the contrary misplaced and without merit.

Respectfully submitted,

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Dated: March 16, 2007

CERTIFICATE OF SERVICE

I, Jeffrey T. Castellano, hereby certify that on March 16, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on March 16, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following in the manner indicated:

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